

DARLENE A. DORNAN, Court Counsel (State Bar No. 182228)

Superior Court of California, County of San Diego

By CHERYL L. BRIERTON, Litigation Attorney (State Bar No. 108242)

220 West Broadway

San Diego, California 92101

Telephone: (619) 531-3036

Facsimile: (619) 685-6606

Attorneys for Defendant, The Honorable William McAdam, Judge of the Superior Court  
of California, County of San Diego

**UNITED STATES DISTRICT COURT**  
**SOUTHERN DISTRICT OF CALIFORNIA**

LANTZ E. ARNELL,

Plaintiff,

v.

JACK LIEB ESQ. AND ASSOC., JUDGE  
W. MCADAM, ET AL.,

Defendants.

Case No.: 08-CV-00441 WQH (JMA)

DEFENDANT JUDGE MCADAM'S  
NOTICE OF RELATED CASE (LOCAL  
RULE 40.1(e))

Date: N/A

Time: N/A

Crtrm: 4 (4th Floor)

Judge: The Honorable William Q. Hayes

/ / /

/ / /

/ / /

/ / /

/ / /

/ / /

/ / /

/ / /

/ / /

/ / /

Defendant, the Honorable William McAdam (“Judge McAdam”), Judge of the Superior Court of California, County of San Diego (“California Court”), hereby provides notice of a related case, *Lantz Arnell v. Judge W. McAdam*, Case No. 07cv0743-LAB (RBB), and asks that the instant case be assigned to the district and magistrate judge to whom the lowest numbered case was assigned. (U.S. Dist. Ct, So. Dist Cal., Local Rule 40.1(e), (f), (h).)

# I.

**THE CASES ARE RELATED, BECAUSE THEY INVOLVE SOME OF THE SAME PARTIES AND ARE BASED ON SIMILAR CLAIMS; INVOLVE THE SAME TRANSACTION OR EVENT; AND INVOLVE SUBSTANTIALLY THE SAME FACTS AND THE SAME QUESTIONS OF LAW.**

## A. Proceedings in *Lantz Arnell v. Judge W. McAdam*, Case No. 07cv0743-LAB (RBB):

On April 24, 2007, Plaintiff filed a 177-page Complaint in *Lantz Arnell v. Judge W. McAdam*, Case No. 07cv0743-LAB (RBB), based on Plaintiff’s dissatisfaction with Judge McAdam’s denial of Plaintiff’s writ of coram nobis relating to Plaintiff’s state misdemeanor case(s) in the California Court, initially arising from a neighborhood altercation.<sup>1</sup> The writ itself appeared to be premised on misconduct by Plaintiff’s attorneys in the state misdemeanor case. With respect to relief, Plaintiff sought “dismissal of a misdemeanor charge based on false allegations of several conspirators

---

<sup>1</sup>Attorney Jack Lieb represented Plaintiff Randlett Lawrence against Lanz Arnell in a related state civil suit. See, Defendant Judge McAdam’s Request for Judicial Notice on his Motion to Dismiss with Prejudice filed June 12, 2007 in *Lantz Arnell v. Judge W. McAdam*, Case No. 07cv0743-LAB (RBB), Exhibit B: Minutes of March 26, 2007, in *People v. Lantz Arnell*, California Court Case No. S188356, reflecting Judge McAdam’s denial of the petition for writ of coram nobis; Exhibit C: Lantz Arnell’s Guilty Plea on March 3, 2004, in *People v. Lantz Arnell*, California Case No. S188356; Exhibit D, Minutes of December 15, 2006, in *Randlett T. Lawrence v. Lantz E. Arnell*, California State Trial Court Case No. GIS20077.

1 who have successfully interfered with the appellant's interstate commerce through  
2 violence and corruption", presumably a form of equitable and/or declaratory relief.

3 In this case, the California State Judicial Branch Defendants filed a Motion to  
4 Dismiss with Prejudice on June 12, 2007, amended June 19, 2007, based on judicial  
5 immunity and other theories. The Honorable Larry A. Burns, District Court Judge, took  
6 the motion under submission on August 8, 2007.

7 Meanwhile, on June 29, 2007, Plaintiff Arnell moved that Judge Burns recuse  
8 himself. Judge Burns denied the motion on July 10, 2007. On July 23, 2007, Judge  
9 Burns next issued an order striking Plaintiff's successive motion for recusal, and set an  
10 Order to Show Cause hearing for August 13, 2007, re why Plaintiff should not be  
11 sanctioned. On August 3, 2007, Judge Burns struck Plaintiff's third successive motion  
12 for recusal, and issued an amended order to show case re sanctions. On August 8, 2007,  
13 Judge Burns further ordered Plaintiff to Show Cause why he should not be sanctioned or  
14 held in contempt.

15 Following the hearing on August 13, 2007, Judge Burns imposed sanctions of  
16 \$3,500 on Plaintiff, and denied the California State Judicial Branch Defendants' motion  
17 to dismiss as moot, based on Plaintiff's dismissal filed August 9, 2007.

18 B. Allegations in *Lantz Arnell v. Jack Lieb Esq. & Ass., Judge W. McAdam, et*  
19 *al.*, Case No. 07cv0743-LAB (RBB):

20 The allegations in the instant case arise from the same neighborhood altercation,  
21 and the resulting California Court criminal and civil cases. Specifically, Plaintiff is  
22 pleading a conspiracy between Judge McAdam and Jack Lieb, Plaintiff's opposing  
23 counsel in the state civil case at trial and on appeal (dismissed 3/28/07). Plaintiff  
24 alleges:<sup>2</sup> "murder, murder for hire, arson, identity theft, computer hacking, wire fraud,

---

25  
26 <sup>2</sup> Plaintiff's complaint is scurrilous and unfounded. A complaint must "contain either  
27 direct or inferential allegations respecting all the material elements necessary to sustain  
28 recovery under some viable legal theory." *Bell Atlantic Corp. v. Twombly*, 550 U.S.\_\_\_\_  
[127 S. Ct. 1955, 1969, 167 L. Ed. 2d 929] (2007). The factual allegations must be  
definite enough to "raise a right to relief above the speculative level." The pleadings must

1 white slavery, kidnapping, staged traffic accidents, jury tampering, election fraud &  
2 intimidation at polling places, corruption of public officials, financing of street gangs,  
3 insurance fraud, perpetuation of religious intolerance”, racketeering. (Complaint, 3:13-  
4 4:3.)

5 Plaintiff continues: “McAdam was paid with illicit funds to protect Lieb by  
6 denying a writ of coram nobis under color of writ relating to that case. [P] McAdam  
7 uses his influence to encourage the Judge and clerks in that case to give Lieb favorable  
8 rulings, with-hold documents, rearrange information in the file and block access to the  
9 appellate court.” (Complaint, 5:6-12.) “There have been three attempts to either kill or  
10 maim the plaintiff by members of the CCE (continuing criminal enterprise)...Lieb and  
11 McAdam have used illicit funds from the illegal activities of the CCE to arrange for  
12 assassination attempts and are accessories to multiple counts of fraud, and attempted  
13 murder.” (Complaint, 5:18-25.)

14 “The illegal wire taps, rerouted and blocked telephone calls, mail fraud and the  
15 legion of con artists the CCE, including Lieb and McAdam, has paid to harass the pltf  
16 make the pursuit of normal business activity impossible.” (Complaint, 9:3-7.)

17 Clearly, these allegations relate to the same proceedings at issue before Judge  
18 Burns in the lower-numbered case.

19 / / /

20 / / /

21 / / /

22 / / /

23 / / /

24 / / /

25 / / /

26 / / /

27  
28 contain factual allegations "plausibly suggesting (not merely consistent with)" a right to  
relief. *Id.* at 1965.

**II.**

**CONCLUSION**

For the reasons stated, Defendant Judge McAdam prays that the instant action be assigned to Judge Burns, who is familiar with the facts and issues underlying this case. Such an assignment will promote judicial economy, ensure respect for Judge Burn's prior orders denying Plaintiff's motions for recusal, and forestall plaintiff's judge-shopping.

Respectfully submitted,

DARLENE A. DORNAN, Court Counsel  
Superior Court of California, County of San Diego

DATED:

April 7, 2008

By: s/ Cheryl L. Brierton  
CHERYL L. BRIERTON, Litigation Attorney  
Attorney for Defendant, The Honorable William  
McAdam, Judge of the Superior Court of California,  
County of San Diego

DARLENE A. DORNAN, Court Counsel (State Bar No. 182228)

Superior Court of California, County of San Diego

By CHERYL L. BRIERTON, Litigation Attorney (State Bar No. 108242)

220 West Broadway

San Diego, California 92101

Telephone: (619) 531-3036

Facsimile: (619) 685-6606

Attorneys for Defendant, The Honorable William McAdam, Judge of the Superior Court  
of California, County of San Diego

**UNITED STATES DISTRICT COURT**  
**SOUTHERN DISTRICT OF CALIFORNIA**

LANTZ E. ARNELL,

Plaintiff,

v.

JACK LIEB ESQ. AND ASSOC., JUDGE  
W. MCADAM, ET AL.,

Defendants.

Case No. 08-CV-00441 WQH (JMA)

**PROOF OF SERVICE**

[Local Rules 5.3, 5.4(c)]

I, PUI TSANG, declare that: I am over the age of eighteen years and not a party to the above-referenced case; I am employed in, or am a resident of, the County of San Diego, California where the mailing occurs; and my business address is: 220 W. Broadway, San Diego, California.

I further declare that I am readily familiar with the business practice for collection and processing of correspondence for mailing with the United States Postal Service; and that the correspondence shall be deposited with the United States Postal Service this same day in the ordinary course of business.

On April 7, 2008, I served the following document(s): **DEFENDANT JUDGE MCADAM'S NOTICE OF RELATED CASE** by placing a true copy of each document in a separate envelope addressed to each addressee, respectively, as follows:

1 **Lantz Arnell**

2 PO Box 181583

3 Coronado, CA 92178

4 I then sealed each envelope and deposited said envelope(s) in the U.S. Postal Pick  
5 up box, this same day, at my business address shown above, following ordinary business  
6 practices.

7 I declare under penalty of perjury under the laws of the State of California that the  
8 foregoing is true and correct.

9  
10 Executed on April 7, 2008

11   
12 PUI TSANG  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28